20 R 254

### STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
19A JUDICIAL DISTRICT

**COUNTY OF CABARRUS** 

In re the Adoption of Local Rules )

For Child Custody Mediation )

In Cabarrus County District Court )

ADMINISTRATIVE ORDER 20-17

The attached Local Rules for Child Custody Mediation are hereby adopted effective June 1, 2020, pursuant to the authority of N. C. Gen. Stat. §§ 7A-494 et seq. and 50-13.1(b) and shall apply to all cases filed on or after that date, and insofar as practicable, to all cases pending on that date.

It is, therefore, so ORDERED, this the 1st day of June, 2020.

The Honorable Christy E. Wilhelm

Chief District Court Judge

### Local Rules for District 19A for Child Custody Mediation in Civil District Court

### 1. Making Referrals to Child Custody Mediation.

- A. All cases filed for hearing before the District Court in which there is a dispute over the custody or visitation of a minor child, an "Order on Child Custody Mediation" (Form AOC-CV-630) and "Referral Information Sheet" (one sheet per party to be referred) will be completed and given to the District Court Judges' Office.
- **B.** Referral Information Sheets must be completed by each party or the party's attorney and returned with the Order on Child Custody Mediation form.
- C. Motions for modification of an existing custody or visitation order shall be ordered to return to mediation. An updated "Referral Information Sheet" for each party as well as an "Order to Return to Custody Mediation" Form must be filled out and given to the District Court Judges' Office.
- **D.** The Order on Child Custody Mediation, Order to Return to Custody Mediation, and Referral Information Sheets may be completed and provided to the District Court Judges' Office outside of a court proceeding.
- E. Each party will be given information on how to access the online Child Custody Mediation Orientation session once the Referral Information Sheets are completed and allowed a certain time period in which to complete Orientation before their mediation session will be assigned.

# 2. <u>Exemption from Mediation</u>.

N.C. G. S. §50-13.1(c) provides for the waiver of mediation if there is "good cause" shown. Any requested waiver of mediation must be indicated on the Order on Child Custody Mediation and placed in the file as a matter of record. The presiding Judge shall have discretion whether mediation should be waived, even when good cause to waive is presented.

#### 3. Mediation Sessions.

- A. Parties are required to attend an online mediation orientation program prior to scheduling any mediation session with a court-appointed mediator. Each party will receive this notification once the Referral Information Sheet is received by the District Court Judges' Office.
- **B.** Parties are not required to complete the online mediation orientation program a second time if they are returning to mediation upon a filing of an "Order to Return to Custody Mediation" or upon a voluntary return to mediation by consent.
- C. Sessions of mediation will be set for a period of two hours by the mediation department, whether said sessions are in person or via virtual technology. The mediator and parties will determine if additional sessions are necessary and schedule those for another date and time.
- **D.** The parties may meet with the mediators for up to four sessions, if progress towards resolution of the custody or visitation matter is being made, at the discretion of the mediator.
- E. If the parties reach a resolution of the custody or visitation issues, that resolution will be memorialized in a Parenting Agreement. The Parenting Agreement will be sent to each party and his or her attorney, with a request to review and comment or sign by a certain date. Minor changes may be negotiated via telephone conference, however major changes must be discussed in another session of mediation set by the mediator, at the mediator's discretion.

# 4. Failure to Appear.

Unless otherwise instructed by the Court, all parties are required to complete the orientation and attend at least one mediation session with the Mediator. Any party who fails to complete the orientation and attend the first mediation session may be held in contempt of court.

# 5. Failure to Negotiate Parenting Agreement.

A. If the parties are unwilling to reschedule additional sessions, if the case is determined by the Mediator to be inappropriate for mediation, or if the parties are not able to negotiate a resolution, then the case shall be returned to the District Court.

**B.** Referral back to the Court shall be in the form of a letter or memorandum notifying the attorneys and the Court that the parties were unable to prepare a Parenting Agreement. This notification will be signed by the Mediator, Judicial Assistant, Trial Court Coordinator or District Court Judge. Upon receipt of this notification by the Clerk of Superior Court's office, the Clerk's Office shall close out the OTCM (Order to Custody Mediation) issue pending on the case management software.

### 6. Entry of Orders.

- A. Once the parenting agreement is signed, it will be sent to a District Court Judge requesting that it be adopted as an Order of the Court. An "Order Approving Parenting Agreement" (AOC-CV-631) must be attached to the Parenting Agreement, he or she will sign both the Order Approving Parenting Agreement and the Parenting Agreement. A signed and filed copy of the Parenting Agreement will be mailed to the parties and their attorneys, with the original document placed in the Court's file.
- **B.** Parties that enter into a "Temporary" Parenting Agreement will be given a designated date to return to mediation in order to develop a permanent Parenting Agreement. If the parties fail to return on the date assigned by the Mediator, then the case will be closed in mediation and referred back to the District Court for any further proceedings.

### 7. Confidentiality.

Child Custody Mediation is protected by law as a confidential proceeding. The Mediator cannot answer questions regarding information discussed during any mediation session. The parties are encouraged to maintain dialogue with their attorneys throughout the process so that the parties will be aware of their legal rights and understand the consequences of their decisions. The Mediator cannot be called as a witness in any child custody or visitation litigation, nor can their notes be subpoenaed or used as evidence in any proceeding in court.

### 8. Returning to Mediation.

In the event either party has filed for a modification of an existing custody or visitation order, whether by completing Form AOC-CV-634 or in a separate Motion, then an Order to Return to Custody Mediation should be issued by a District Court Judge before the parties may return to mediation. Parties are not required to complete the online mediation orientation program a second time before returning to mediation.

Adopted and signed this the 1st day of June 2020.

Christ E. Wilhelm
Honorable Christy E. Wilhelm
Chief District Court Judge

19A Judicial District

STATE OF NORTH CAROLINA	I HO I YOU
County	In The General Court Of Justice District Court Division
Name And Address Of Plaintiff(s)	
	MOTION AND ORDER TO WAIVE
VERSUS Name And Address Of Defendant(s)	CUSTODY MEDIATION
	G.S. 50-13.1(c)
	MOTION
The undersigned party moves that mediation of this c program be waived, and in support of the motion state	custody/visitation case through the mandatory custody mediation
(Check only the boxes that apply)	
1. The party making this Motion lives more than f	fifty (50) miles from the Court.
2. Custody mediation would be an undue hardshi	
3. The parties have agreed to private mediation s	subject to the approval of the Court.
4. The other party has abused or neglected the n	
	· · · ·
☐ 5. The other party ☐ suffers from alcoholism	▼
6. The other party has severe psychological, psy	/chiatric, or emotional problems.
I UNDERSTAND THAT I WILL HAVE TO APPEAR IN STATEMENTS I HAVE CHECKED ABOVE.	N COURT AND OFFER EVIDENCE TO SUPPORT THE
Date Signature Of Movant	Plaintiff Plaintiff
NOT	CICE OF HEARING
NOTICE TO THE DEFENDANT(S)/PLAINTIFF(S):	
	ustody Mediation will be heard on the date, time and at the location
set out below. You must be present if you wish to be	
Date Of Hearing Time Of Hearing	AM Location Of Hearing
Date	PM Signature Of Movant
	FICATE OF SERVICE
	opy of this Motion and Notice was served on the opposing party(ies) a post-paid, properly addressed envelope in a post office or official the United States Postal Service.
Date Of Mailing Date Of Certification	Signature Of Movant
§	date, time and location for a hearing on this Motion. Fill in that information in and mail a copy to the other party by regular mail. Complete the Certificate
AOC-CV-632, New 4/99 © 1999 Administrative Office of the Courts	(Over)

			ORDER		
□ 1.	<ol> <li>The Court concludes that the movant has shown good cause to waive mediation under the mandatory custody mediation program, and the motion is allowed.</li> </ol>				
□ 2.	<ol> <li>Mandatory custody mediation is waived because the case is being referred to private mediation. If private mediation is unsuccessful, then the case is to be returned to Court for referral to the mandatory custody mediation program.</li> </ol>				
□ 3.	<ol><li>The motion is denied and it is ordered that this case be referred to the custody mediation program for mediation of all unresolved custody and visitation issues in the case.</li></ol>				
Date		Name Of District Court Jud	ge (Type Or Print)	Signature Of District Court Judge	
THE SECTION ASSESSMENT AND ASSESSMENT	inder over the second of the second s				

STATE OF NORTH CAROLINA				File No.		
County			In The General Court Of Justice District Court Division			
Name An	d Address Of Plaintiff	neacht i earn mathairea <del>n de The Beachta de gan an de</del> airmeacht mhòrair meadailte airmeacht a gadh airmeacht air		The design of the production of the contract o		
		•	meyonota pengananan			
- 	VERSUS	for \$100m for passages and a supplied to \$100 for the passage and all fail for the late of the contract and and	voiens čerpšiologijos egistikas	ORDER ON		
Name An	d Address Of Defendant	er deganharmalla det kommbeler des dessekse malle filolokkerek kopeler degan his des helsem hjesen i dega desse finn	CHILD CUSTODY MEDIATION			
				G.S. 50-13.1		
Name An	d Address Of Plaintiff's Attorney	en e	Name Ano	d Address Of Defendant's Attorney		
			And in the second secon			
the co	natter involves issues relating to chil- urt's mediation program for custody allow, or require, the court to waive	and visitation disputes. Th		are legally required, or have consented, to participate in has  has not been a showing of good cause which		
	RDERED, pursuant to G.S. 50-13.1,					
	The child custody and visitation issu proceeding at the date, time and loc			ation. The parties are ordered to attend the orientation end the first mediation session.		
				ation session, you may be held in contempt of court.		
	Date Of Hearing	Time Of Hearing	M Flei	Place Of Hearing  M ONLINE MEDIATION ORIENTATION		
П2	For good cause shown, mediation is	Thereid to be in the control of the	*** L	CHARL WEDDING ONLINE TANDER		
	A copy of this Order be served on the		s attorne	у.		
		defendant or defer	ndant's at	ttorney.		
painting	Since plaintiff defendant			need not be served on him/her or his/her attorney.		
				will be contacted by e-mail with further  f the entry of this Order. Once each party has		
,			ونتونيه ومحرب والمسالة موزنم	te and time of the initial mediation session.		
	If you do not receive this information, please contact D19A.CustodyMediation@nccourts.org					
	ika kilo katan katan katan katan kilo katan kilo katan katan katan katan katan katan katan katan kilo katan ki Katan katan kat	restalli illes benes mil eliki kannina mid kila hilyandili yangian pejani dini panin, apitu jan ugaha ingapang Sila illes kila hila kila illes kila illes kila hilyandili sangian pejani dini panin, apitu jan ugaha ingapang	n nieto na miero nieto nie			
	debatakan di panak untuk piranti di panak pa Panak panak pa	in der vergesste in der der bei verland mit spiller bei geste geste gleben bei der mingespieler in geste versch				
		<del>artis olderes, in spirit, in artis olderes, i de par 1888 all del representation de propagation de primarie</del>	- Laireiche Joseph Bertein der Steine der Gestellen			
•		tiga fi santin santin santin kanada kana				
		gention yes an artifain yest i integrit integrit i i english artifain i supplied an integrit	and the spirited debyte by the spirite and an advantage of the spirite and advantage of			
	terapakan ini dipakan panggapan nanggapak ini ini dipakan pini di dipakan panggapan ini dipakan pini dipakan p		to the state of the second days			
	fantstinstinstinstinstinstinstinstinstinst					
Date	Name Of Presiding Judg	ne (type or print)		Signature Of Presiding Judge		
- to particular of the particu						

	CERTIFICATIO	N OF SERVICE			
I certify that a copy of this On	der was served by				
depositing a copy enclosed in a postpaid properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal service directed to					
☐ defendant. ☐ plaintiff.	defendant's attorney.  plaintiff's attorney.				
leaving a copy personally	to				
defendant.	defendant's attorney.				
plaintiff.	plaintiff's attorney.				
☐ leaving a copy at the ☐ defendant's attorney's office with a partner or employee. ☐ plaintiff's attorney's office with a partner or employee.					
Other	the state of the s				
Date Mailed/Delivered		Signature			
المعادلة والمعادلة والمنافرة والمناف		Name (type or print)			
		Tille			

STATE OF NORTH CAROLINA		annan an <del>an an a</del>	File No.	
CABARRUS COUNTY		In The General Court of Justice District Court Division		
Name And A	Address of Plaintiff	ng nang digin katigang kemilikan di kemalang pelanggal pagig agan bagis terbahah nama nepela		
	the contract of the contract o		ORDER TO RETURN TO	
gi majoya yikiyiki ili dili di aqidhan u u majoyati miliya ahiyikasi v	VERSUS		SKDER TO RETURN TO	
Name And /	Address of Defendant	CHILD CUSTODY MEDIATION		
Name And A	Address of Plaintiff's Attorney	Name And Addres	G.S. 50-13.1	
	,		•	
ta di talah malah kendapatan perapagai dan perapagai dan dalah sebahan				
This mat	ter involves issues relating to child custody or visitat	ion. The parti	es are legally required, or have consented, to	
return an	d participate in the court's mediation program for cu	stody and visit	ation disputes.	
MOL.			Here was a few all and a second and the second and	
There	has has not been a showing of good cause	wnich would a	llow, or require, the court to waive mediation.	
It is ORI	DERED, pursuant to G.S. 50-13.1, that:			
П1.	The child custody and visitation issues in this case be referred to mediation, and that further proceedings, including discovery, relating to these issues are stayed.			
	Notice To Parties: The Mediation Office will not	tice the partie	s by email of their appointment date and time.	
ganiranta				
□ 2.	For good cause shown, mediation is waived for the following reason:			
		<del>kk krong propositivit v medicik govin</del> a primjenovinje vo za ko-portivije i vode, mije		
□ 3.	A copy of this Order be served on the plaintiff plaintiff's attorney defendant defendant's attorney.			
☐ 4.	Other:			
	Within 14 days after this Order is filed, the parties will be notified by email of the date and time of the			
	assigned mediation session. If you do not receive this email, please contact D19A.CustodyMediation@nccourts.org			
Date	Name of Presiding Judge (Type Or Print)		Signature of District Court Judge	
F.	1			

### REFERRAL INFORMATION

Date Referred:	File No:				
Name:	inn (filmen nighen) filmen si winn kinda dhanka na na nan nigh ƙasar da ya film ka kini kini ka dhi ya dhi ya b	an specific districts and marked the little of the specific and the property of the specific and the specifi	<del>alkilina addisilina ilma (ka dijika aliika qubinda ilma agusa ayan cijinski k</del>		
Date of Birth:					
Email Address (required):	<del>napolikum (daharan kaha</del> jo phojo jili jili pakhiringa (dajoda jila jili kaha kaha kaha kaha kaha kaha kaha kah	Market (1975) to the control of the SM Assessment on the control of the control o		romalishandi siiska ahin <u>oqoo ya kanjida dii</u> gia qoo kay adaa diibahaafa.	
Address:					
City:					
Attorney:				سرا المراجع المحار المعارض الم	
Attorney Address:	port tide, till tide en en dissipper in en treksjitt for tij treksjit gjit syfergjit gjit synes derlyt syderje				
City:					
CHILD(REN) (involved in	this action)				
NAME	AGE	DATE OF BIRTH		RESIDES WITH	
				Mother ( ) Father ( ) Mother ( )	
Marital Status:		Married and living to Unmarried parents Separated Divorced Remarried	Da Da	te:	
Have you ever participated in	n mediation be	fore?	Yes	No	
Is domestic violence an issue	s domestic violence an issue in this relationship:		Yes	No	
Is English your primary lang If no, primary language spok Request a court approved int	en	Yes	No		